

Date of Hearing: November 9, 2022

2 Supplemental

**BOARD OF SUPERVISORS
PUBLIC HEARING
STAFF REPORT**

SUBJECT: Proposed 2023 Legislative Program

ELECTION DISTRICT(S): Countywide

CRITICAL ACTION DATE: At the pleasure of the Board

STAFF CONTACT(S): Charles Yudd, County Administration
John Freeman, County Administration

PURPOSE: This item provides updates to the Board of Supervisors (Board) regarding the proposed 2023 Legislative Program, which will be considered for public hearing purposes on November 9, 2022. Additional information on the topic of the proposed legislative initiative regarding minimum qualification requirements for candidates for sheriff is provided with this supplemental item.

RECOMMENDATION(S): Staff continues to recommend that the Board adopt the 2023 State Legislative Program and further recommends support of legislation to address the minimum qualifications initiative.

Section 1:

Minimum Qualifications Requirement for Candidates of Sheriff

At the Board Business Meeting on April 5, 2022, the Board directed staff to work with the International Association of Chiefs of Police (IACP) to develop a best practice recommendation for further review and consideration by the Board, regarding the development of minimum qualifications for future candidates for the Office of Sheriff. (8-0-1: Umstattd opposed) A friendly amendment was raised that these qualifications would only apply to full-service Sheriff Departments in counties with a population over 400,000, and was not accepted.

At the Board Business Meeting on October 18, 2022, staff was asked to continue to work with the Sheriff, the Virginia Sheriffs' Association (VSA), the IACP, and Troutman representatives to pursue specific legislative language for the addition of minimum qualifications. The following draft approach for proposed language was developed:.

Proposed Legislative Language:

1. A candidate must have a bachelor's degree
2. A candidate must have at least 10 years of increasingly responsible law enforcement experience including senior executive level experience.
3. A candidate must also possess or be able to obtain within six months of taking office a certification or accreditation from a law enforcement professional development organization.

ISSUES: This proposed legislative language for additional minimum qualifications requirement for candidates of Sheriff was discussed at VSA's Legislative Policy Committee meeting on November 2, 2022. VSA is firmly opposed to any legislation that would limit the accessibility of the Office of Sheriff beyond requirements that are currently in place. They expressed firm opposition to all of the suggested additions. As a reminder to qualify for service as a sheriff a candidate must have been a resident of the Commonwealth for one year and qualified to vote for that office (requiring residency in Loudoun County) and be registered to vote in the precinct where [the candidate] resides, which includes all of the following requirements:

- Be a resident of Virginia (a person who has come to Virginia for temporary purposes and intends to return to another state is not considered a resident for voting purposes).
- Be a U. S. Citizen.
- Be 18 years old (any person who is 17 years old and will be 18 years of age at the next general election shall be permitted to register in advance and also vote in any intervening primary or special election).
- Not be registered and plan to vote in another state.
- Not currently declared mentally incompetent by a court of law.
- If convicted of a felony, your right to vote must have been restored.

In addition, IACP had reached out to the Stafford County Sheriff who was opposed to the proposed legislation and would be the only other full service law enforcement provider with a population threshold of 150,000 and above.

Given the significant opposition this initiative is likely to face, Troutman representatives have recommended pursuing a legislative study on the issue to enable all stakeholders to discuss and reach consensus on minimum qualifications.

At this point in time staff would still recommend pursuing the legislative initiative if the Board could support limiting the applicability of new minimum requirements to Loudoun County only.

FISCAL IMPACT: Fiscal impacts of legislative items are not known at this time.

ALTERNATIVES:

1. The Board can pursue a legislative initiative to seek new requirements for future candidates for the Office of Sheriff.
2. The Board can choose to take no action on this matter at this time.

DRAFT MOTIONS:

1. I move that the Board of Supervisors forward the Proposed 2023 Legislative Program to the November 15, 2022, Board of Supervisors Business Meeting for action with the incorporation of the proposed initiative for minimum qualifications for the candidates of Sheriff as outlined in the November 9, 2022, Board of Supervisors Public Hearing Supplemental Staff Report.

OR

- 2a. I move that the Board of Supervisors suspend the rules.

AND

- 2b. I move that the Board of Supervisors adopt the proposed initiative for minimum qualifications for the candidates of Sheriff as outlined in the November 9, 2022, Board of Supervisors Public Hearing Supplemental Staff Report.

I further move that the Board of Supervisors adopt the Proposed 2023 Legislative Program provided in Attachment 1 to the November 9, 2022, Board of Supervisors Public Hearing Staff Report, with the incorporation of the proposed initiative for minimum qualifications for the candidates of Sheriff as outlined in the November 9, 2022, Board of Supervisors Public Hearing Supplemental Staff Report, and with any technical changes required by staff.

OR

3. I move an alternate motion.